

# Request for Waiver

CC Docket No. 02-6

**August 7, 2018**

Marina Cacini

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Applicant Name:	Cudahy School District
Billed Entity Number:	132808
Service Provider:	Time Warner Cable Business LLC
SPIN:	143048275
Funding Year:	2016
Form 471 Application Number:	161047496
Funding Request Number:	1699114402

## **Summary of Request:**

Time Warner Cable Business LLC (TWC) is respectfully requesting a waiver of the invoicing deadline for Funding Year 2016 FRN 1699114402. System errors stemming in USAC's E-Rate Productivity Center (EPC) and propagating to USAC's invoicing database impeded the processing of multiple Form 474 Service Provider Invoices submitted for FRN 1699114402 prior to the funding request's invoice deadline. Through appeal 90620 USAC stated that they resolved the system errors related to Cudahy School District's (CSD) 486 and issued a RFCDL on March 17<sup>th</sup>, 2018, 17 days after the hard invoicing deadline. From the time the issue was originally identified through the time the issue was resolved TWC continued to actively communicate with USAC's Tracey Beaver, Catriona Ayer and Yvie Mondenge in an attempt to find remediation to the invoicing issue. On July 26<sup>th</sup>, USAC stated that a request to the FCC for a waiver of the invoice deadline would be required.

## **Overview and Timeline of Events:**

On December 5<sup>th</sup>, 2016, CSD received their FY2016 Funding Commitment Decision Letter for Funding Request 1699114402 from USAC.

On April 17<sup>th</sup>, 2017, CSD filed their Form 486 (41736) for FRN 1699114402 through USAC's EPC. It is our understanding that when CSD initially filed their Form 486 the CIPA Certification prompt was unclear and allowed CSD to select multiple certification options. CSD selected two options, the first stated that CSD was currently CIPA Complaint and the second stated that they planned to be compliant. This caused the submitted 486 to become stuck in the "In Review" status, since the Form 486 was never "approved" it resulted in the automatic rejection of any invoices submitted. As of August 2018, CSD has had two appeals to USAC approved in an effort to correct the 486 error, yet their Form 486 (41736) still appears as "Under Review" in EPC.

On October 10<sup>th</sup>, 2017, due to the Form 486 remaining under the “In Review” status, TWC submitted a timely request for a precautionary invoice deadline extension from 10/28/2017 to 2/28/2018.

On November 3<sup>rd</sup>, 2017, CSD contacted USAC regarding the 486 issue and USAC created appeal case 82229.

On November 27<sup>th</sup>, 2017, USAC issued a RFCDL manually altering the FRN’s Service Start Date to 120 days prior to the date the 486 was initially filed. Although the 486 was reviewed during the appeal it was still stuck in the “In Review” status. During this time period TWC was verbally advised that there was a known system error in EPC for certain customers who had issues with their 486, resulting in the 486 status getting stuck “In Review” even after USAC had manually reviewed and corrected their 486. TWC was also advised that the issue was localized to EPC, the invoicing database was not impacted, and that SPI discount could be provided and invoiced for this customer.

On January 26<sup>th</sup>, 2018, TWC issued retroactive SPI discounts to CSD’s invoices and on January 29<sup>th</sup>, 2018 Form 474 2764432 was created and submitted to USAC for FRN 1699114402.

On February 8<sup>th</sup>, 2018, TWC received a remittance statement rejecting the line item on Form 474 2764432 for FRN 1699114402 due to “No Form 486 Filed or Form 486 Missing Start Date”.

On February 9<sup>th</sup>, 2018, TWC called USAC regarding the denial of SPI 2764432. USAC created Case 222086. TWC resubmitted the SPI invoice under Form 474 invoice 2772217.

On February 19<sup>th</sup>, 2018, TWC submitted case 224048 to USAC requesting an update on the status of SPI 2772217. USAC response: *“The invoice number 2772217 was received on 2/9/18 and is currently still in review. We do not have an estimated time frame for completion”*. TWC submitted case 224912 to re-verify that the FRN could be invoiced and that USAC’s review would be completed in time for the invoicing deadline.

On February 22<sup>nd</sup>, 2018, Case 224912 was updated reaffirming that the 486 issue should not prevent the processing of invoices under this FRN. TWC then received a remittance statement rejecting the line item on Form 474 2772217 for FRN 1699114402, again due to “No Form 486 Filed or Form 486 Missing Start Date”. TWC escalated the situation to USAC’s Tracey Beaver.

On February 23<sup>rd</sup>, 2018, TWC followed up with Tracey Beaver. After some research Tracey responded that there was a potential CIPA issue with the customer’s Form 486 and that the 486 notification TWC received in their EPC news brief was issued in due to a “processing error”. It was determined that the CIPA violation was actually caused by the applicant selecting two responses to their CIPA certifications.

On February 24<sup>th</sup>, 2018, TWC again submitted a Form 474 (2778836) in an attempt to avoid violating the invoicing deadline.

On February 26<sup>th</sup>, 2018, USAC created appeal 90620 in order to correct CSD’s Form 486.

On February 28<sup>th</sup>, 2018, the FRN’s hard invoicing deadline, TWC contact USAC requesting an update on the situation and did not receive a response.

On March 6<sup>th</sup>, 2018, TWC contacted USAC requesting an update on the situation. USAC responded stating that the appeal process to correct the 486 should take less than 90 days and that no further action was required at this time.

On March 8<sup>th</sup>, 2018, TWC received a remittance statement rejecting the line item on Form 474 2778836 for FRN 1699114402 due to "No Form 486 Filed or Form 486 Missing Start Date".

On March 17<sup>th</sup>, 2018, a new RFCDL tied to appeal 90620 is issued.

On May 29<sup>th</sup>, 2018, TWC requests an update from USAC regarding the Form 486 and invoice issues. No response.

On June 5<sup>th</sup>, 2018, TWC requests an update from USAC regarding the Form 486 and invoice issues.

On June 8<sup>th</sup>, 2018, USAC responded advising that a RFCDL has been issued for the FRN and that they were conducting research to ensure there were no further impediments preventing the processing of an invoice.

On June 14<sup>th</sup>, 2018, USAC advised that they were in the process of working on a correction for this FRN in their invoicing database which was preventing an invoice from being processed.

On June 25<sup>th</sup>, 2018, TWC requested an update from USAC regarding the correction to the invoicing deadline. USAC advises that they are conducting further research.

On June 26<sup>th</sup> and June 27<sup>th</sup>, 2018, TWC requested updates from USAC. No response.

On July 26<sup>th</sup>, 2018, TWC requests an update from USAC regarding the correction to the invoicing deadline. USAC responded that the system error impeding the filing of invoices has been resolved, but because FRN 1699114402 had already been granted the maximum allowable one-time 120 day invoice extension (done proactively in October 2017) a waiver would be required from the FCC.

**Conclusion:**

Every proactive steps available were taken by Time Warner Cable to respect the invoice deadline for Cudahy School District's FRN 1699114402. Multiple invoices were submitted to USAC within the allowable time period but were rejected due to reasons outside of either the Service Provider or Applicants control. Due to several compounding system and processing errors by USAC, Time Warner Cable and Cudahy School District were both led to the belief that any system errors would be resolved prior to the February 28<sup>th</sup>, 2018 hard invoice deadline for FRN 1699114402.

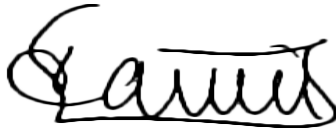
Due to the reasons stated above, Time Warner Cable Business LLC respectfully requests a waiver of the invoicing deadline for Cudahy School Districts Funding Year 2016 FRN 1699114402.

Please find attached:

- ) Email chain of communication between TWC and USAC from February 2018 through July 2018
- ) Screenshots of FRN 169911402 in EPC as of August 8<sup>th</sup>, 2018

- ) 3 Remittance Statements showing rejected SPI invoices for FRN 169911402 (February 8<sup>th</sup>, February 22<sup>nd</sup> and March 8<sup>th</sup>)
- ) Both RFCDL reports received from EPC for appeals 82229 and 90620

Sincerely,

A handwritten signature in black ink, appearing to read "Marina", with a stylized flourish at the end.

Marina Cacini

Director, AR/GSP |(P) 813-302-0763

4145 S. Falkenburg Rd. | Riverview, FL 33578



FIBERNETWK - 1699114402

- Summary
- Service Agreement Details
- FRN Line Items
- FCDL Comments
- FCC Forms
- Appeals
- SPIN Changes
- Service Substitutions
- News
- Related Actions

Funding Request Details

FRN	1699114402	Service Type	Data Transmission and/or Internet Access
Continuation of Prior Year FRN	2860057	Service Provider	Time Warner Cable Business LLC (SPIN: 143048275)
Nickname	FIBERNETWK	Service Start Date	12/12/2016
FCC Form 471	<a href="#">#161047496</a>	Contract Expiration Date	6/30/2018
Applicant	CUDAHY SCHOOL DISTRICT (BEN: 132808)	Status	Funded
		Service Delivery Deadline	6/30/2017

Narrative

Fiber network for our District's 7 Schools

FRN Calculation

Monthly Charges	
Total Monthly Recurring Charges	\$5,448.00
Total Monthly Ineligible Charges	- \$0.00
Total Monthly Eligible Charges	= \$5,448.00
Total Number of Months of Service	x 7
Total Eligible Pre-Discount Recurring Charges	= \$38,136.00

One-Time Charges	
Total One-Time Charges	\$0.00
Total Ineligible One-Time Charges	- \$0.00
Total Eligible Pre-Discount One-Time Charges	= \$0.00

Invoicing Status

Ready for Invoicing? No

Total Requested Amount	
Total Eligible Pre-Discount Recurring Charges	\$38,136.00
Total Eligible Pre-Discount One-Time Charges	+ \$0.00
Total Pre-Discount Charges	= \$38,136.00
Discount Rate	80%
Funding Commitment Request	= \$30,508.80

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Category

FCC Form 486

Form Number	Nickname	Funding Year	Status	Certified Date
41736	FEVER NETWK	2016	In Review	4/11/2017 4:56 PM EDT